



1 (In open court.)

2 THE CLERK: 19 C 4990, Elevele v. Harvest Enterprises.

3 THE COURT: Good morning.

4 MR. VANKO: Good morning, your Honor. Ken Vanko,  
5 V-A-N-K-O, on behalf of both plaintiffs.

6 MS. URSO: Olivia Urso on behalf of Harvest  
7 Enterprises.

8 THE COURT: All right. Last time we were here, we  
9 talked about the fact there were mirror-image cases both here  
10 and Arizona. You were going to talk to your clients and see  
11 which forum, if possible, you could agree to so we're not  
12 fighting about where you're going to fight.

13 MR. VANKO: Unfortunately, we weren't able to agree.

14 THE COURT: All right.

15 MR. VANKO: I can report on the status of the Arizona  
16 matter so your Honor is familiar.

17 Defendant Harvest filed a motion to stay here. We had  
18 previously filed a motion to stay in Arizona. My reply brief  
19 is due tomorrow in that matter. And I believe it will be heard  
20 fairly promptly. That's all that's really occurred in Arizona  
21 on that particular motion. There was a temporary restraining  
22 order sought as well by Harvest. That has not been addressed  
23 yet because of the pending motion to stay.

24 Now, that's -- that all said, we have had substantive  
25 settlement discussions. And I think they're progressing. I

1 think there's a decent chance a week from today the case is  
2 resolved. I can't, of course, tell what's going to happen.  
3 But I think it's -- it's been progressing.

4 So we had agreed that if your Honor would allow, we  
5 would respond to Harvest's motion to stay here by Monday, and  
6 then we could proceed accordingly with that.

7 THE COURT: Do you agree?

8 MS. URSO: I -- it was represented to me that the case  
9 was likely going to settle, so I was going to ask to just kick  
10 this out another week and see where we were a week from today  
11 rather than setting a briefing schedule. But --

12 MR. VANKO: I'm fine --

13 THE COURT: I think that --

14 MR. VANKO: I'm fine with that as well.

15 THE COURT: Yeah, I think that makes more sense.

16 MR. VANKO: Okay.

17 THE COURT: Every money spent -- every penny spent on  
18 preparing a brief is money unavailable for a settlement.

19 MR. VANKO: Sure.

20 THE COURT: And there's no point if you're that close  
21 doing any more briefing until you come back and report.

22 MR. VANKO: That's fine.

23 THE COURT: Is a week from today enough time, or do  
24 you want to do it later next week?

25 MR. VANKO: I'm fine with a week from today.

1 MS. URSO: Yeah.

2 MR. VANKO: I think -- well, I think we should know by  
3 the end of the week, frankly.

4 THE COURT: Okay. Well, we'll set it for a week from  
5 today then at 9:00.

6 Sandy, is that a good time?

7 THE CLERK: That's the 20th. That's fine.

8 THE COURT: All right. We'll see you then. If  
9 there's a dismissal of this case or -- contact my courtroom  
10 deputy. We'll voluntarily dismiss it without an appearance.

11 If -- I hope if it's not settled, you can agree  
12 without fighting on where the forum of the dispute should be.

13 MR. VANKO: I understand.

14 THE COURT: We're all federal judges. We all follow  
15 the same law. And it's just briefing on who you're going to  
16 fight in front of. It seems to me to be a waste of time.

17 MR. VANKO: Yeah.

18 THE COURT: But if you've got to do it, you've got to  
19 do it.

20 MR. VANKO: I understand.

21 THE COURT: Okay. See you in a week.

22 MR. VANKO: Okay. Thank you, your Honor.

23 THE COURT: Thank you.

24 MS. URSO: Thank you, your Honor.

25 (Concluded at 9:26 a.m.)

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C E R T I F I C A T E

I certify that the foregoing is a correct transcript of the  
record of proceedings in the above-entitled matter.

/s/ LAURA R. RENKE  
LAURA R. RENKE, CSR, RDR, CRR  
Official Court Reporter

August 14, 2019